

REMARKS/ARGUMENTS

The claims are 2-9. Claims 7 and 9 have been amended to better define the invention. Support for the claims may be found, *inter alia*, in the drawings. Reconsideration is expressly requested.

The Examiner indicated that claims 5 and 6 contain allowable subject matter and would be allowed if rewritten in independent form including all the limitations of the base claim and any intervening claims. The remaining claims, however, were rejected on the basis of the prior art.

Specifically, claims 7-9 were rejected under 35 U.S.C. 103(a) as being unpatentable over *Stanchfield U.S. Patent No. 6,860,074*. The remaining rejected claims 2-4 were rejected under 35 U.S.C. 103(a) as being unpatentable over *Stanchfield* in view of *Neuhofer U.S. Design Patent No. D542,941* alone (claims 2-3) or further in view of *Kemper U.S. Patent No. 6,345,480* (claim 4).

In response, Applicant has amended claims 7 and 9 to better define the invention recited therein, and respectfully traverses the Examiner's rejection for the following reasons.

As set forth in claim 9 as amended, Applicant's invention provides a profiled cover made of an extruded profile for floor coverings, which includes a covering flange, at least one clamping web protruding downward from the covering flange, extending in a longitudinal direction of the profiled cover and fastening the profiled cover to a fixture, a compensating strip fastened to the covering flange, and a form-fitting tongue and groove joint fastening the compensating strip to the covering flange.

The tongue and groove joint includes at least one longitudinal groove in an underside of the covering flange for retaining a tongue projecting into the groove from the compensating strip, the section of the covering flange in which the groove is located being supported flat over the floor coverings they cover.

The profiled cover is suitable without the compensating strip to be employed between two floor coverings having the same height, and the covering flange on both sides of the at least one clamping web has a contact surface for areal support on a floor cover segment.

As set forth in claim 7 as amended, Applicant's invention provides a method for the production of a profiled cover and at least one compensating strip for a covering device for floor coverings in accordance with Claim 9. As in claim 9 as amended, the profiled cover has a covering flange and at least one clamping web protruding downward from the covering flange, extending in a longitudinal direction of the profiled cover and fastening the profiled cover to a fixture, the covering flange having on both sides of the at least one clamping web a contact surface for areal support on a floor cover segment.

Contrary to the Examiner's position, it is respectfully submitted that Applicant's profiled cover as recited in claim 9 as amended, cannot be simply viewed as a simple reversal of parts of *Stanchfield's* transition molding. As FIG. 2 of *Stanchfield* shows, the cover profile 12 merely rests on the floor element 24 on the right side in an areal manner. The equalizing profile 40 is provided on the left side. Therefore, it is not possible to superimpose the cover profile 12 in the area of the tongue 18 on the floor element 25 in an areal manner. The cover profile 12, therefore, is not suitable to bridge a joint between two floor covers of equal height if the floor cover does not have a groove in the area of the tongue 18.

Applicant's profiled cover as recited in claim 9 as amended can also be used for covering such an expansion joint between two floor cover segments of equal height because the tongue is assigned to the compensating strip and the groove is provided in the covering flange 6 of the covering profile. As an initial matter, it is respectfully submitted that such a groove arrangement would not even occur to one skilled in the art because the covering flange 6 is considerably weakened by such a groove. This arrangement is made possible only because with each use of the covering profile, the covering flange rests on the groove in an areal manner, namely either on the compensating strip or on the floor cover so that the covering flange 6 is supported on both sides of the groove and, therefore, cannot be overburdened in this area.

It is respectfully submitted that *Stanchfield* cannot give a person skilled in the art any indication for this arrangement because it would not have been obvious to one of ordinary skill in the art to weaken the covering flange with a groove. There is no disclosure or suggestion in *Stanchfield* of a profiled cover and a covering flange which, on both sides of the clamping web

which protrudes downwardly, has a contact surface for areal support on a floor cover segment.

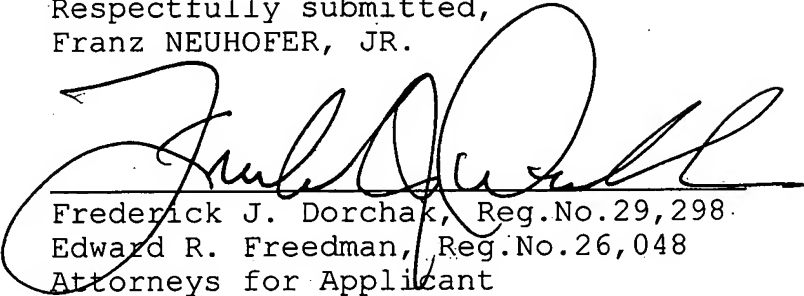
The remaining references to *Neuhofer* and *Kemper* have been considered but are believed to be no more relevant. None of these references discloses or suggests a profiled cover having the structure set forth in claim 9 as amended or a method for the production of same as set forth in claim 7 as amended, wherein the covering flange on both sides of the at least one clamping web has a contact surface for areal support on a floor cover segment.

Accordingly, it is respectfully submitted that claims 7 and 9 as amended, together with claims 2-4 and 8 which depend directly or indirectly thereon, are patentable over the prior art, together with claims 5 and 6 which the Examiner has indicated contain allowable subject matter.

In summary, claims 7 and 9 have been amended. In view of the foregoing, it is respectfully requested that the claims be allowed and that this case be passed to issue.

Respectfully submitted,
Franz NEUHOFER, JR.

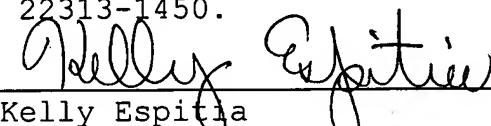
COLLARD & ROE, P.C.
1077 Northern Boulevard
Roslyn, New York 11576
(516) 365-9802



Frederick J. Dorchak, Reg.No.29,298.
Edward R. Freedman, Reg.No.26,048
Attorneys for Applicant

Express Mail No. EM 324 227 444 US
Date of Deposit: December 17, 2009

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10, on the date indicated above, and is addressed to Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



Kelly Espitia